

December 18, 2003



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
TW-A325  
445 Twelfth St., SW  
Washington, DC 20554

Re: *Notice of Ex parte* presentation in

MB Docket No. 03-172

Dear Ms. Dortch:

On December 17, 2003, Harold Feld, Associate Director, Media Access Project, spoke by telephone with Jordan Goldstein, Advisor to Commissioner Copps, with regard to the above captioned docket.

Mr. Feld stated that the Video Competition Report should serve as an annual study of the video market. Instead, it has become an annual exercise in confirming the FCC's wisdom in non-action despite real world facts to the contrary. In May 2003, before the Commission issued this year's *NOI*, the General Accounting Office (GAO) issued a scathing critique of the FCC's research methodology (the GAO Report is attached to this *notice*). Yet the Commission's *NOI* failed to reflect the concerns raised by GAO. Better the Commission should simply discontinue the *NOI* than to issue a report which an independent agency has found inaccurate and misleading.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted

Harold Feld  
Associate Director  
Media Access Project

cc: Jordan Goldstein